

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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IN RE: COOK MEDICAL, INC., IVC FILTERS  
MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION

Case No. 1:14-ml-2570-RLY-TAB  
MDL No. 2570

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This Document Relates to Plaintiff:

DARRELL TRITT

Civil Case # 1:19-cv-4961

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**MOTION TO SUBSTITUTE PARTY PLAINTIFF**

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COMES NOW, Plaintiff Darrell Tritt and files this motion to substitute his surviving son, Rick Tritt, as the proper plaintiff pursuant to Federal Rule of Civil Procedure 25(a)(1). In support therefore, Plaintiff respectfully shows the court the following:

1. Plaintiff Darrell Tritt filed the present action in the United States District Court of the Southern District of Indiana on December 18, 2019.
2. Plaintiff Darrell Tritt died on February 9, 2024.
3. On September 25, 2024, Plaintiff filed a suggestion of death pursuant to Federal Rule of Civil Procedure 25(a). *See* Doc. No. 26040 and Doc. No. 10. Plaintiff's counsel recently learned of the death of Mr. Tritt after filing the lawsuit and contacting his son.
4. Rick Tritt, surviving son of Darrell Tritt, is the proper party plaintiff to substitute for Plaintiff-decedent Darrell Tritt and has proper capacity to proceed forward with the surviving products liability lawsuit on Plaintiff-decedent's behalf, pursuant to Fed. R. Civ. P. 25(a)(1), stating, "[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by

any party or by the decedent's successor or representative."

WHEREFORE, counsel for Plaintiff requests this Court grant this motion to substitute Rick Tritt, on behalf of Decedent Darrell Tritt, as the proper party plaintiff in this action.

Respectfully submitted September 25, 2024.

/s/ Rhett A. McSweeney

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**Attorneys for Plaintiff**

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the attached document was served upon each attorney of record through the Court's Electronic Court Filing System.

Dated: September 25, 2024

/s/ Rhett A. McSweeney  
Rhett A. McSweeney